

ANSWERS TO WRITTEN INQUIRIES
JUNE 8, 2018

The Consumer Protection Division (“Division”) received written inquiries in response to the request for proposals. The Division’s response to the written inquiries to which it has elected to respond at this time is below. Additional responses, if any, will be posted on June 13, 2018.

1. Would the Division prefer written proposals be submitted via email or as hardcopies? If the latter, how many copies of each proposal (technical proposal & compensation proposal) should respondents submit?

Answer: Offerors must submit a single, original signed copy of both the Technical and Compensation proposals and an electronic copy of each. Electronic copies should be submitted as merged, searchable .pdf files. There should be one file for the Technical proposal and one file for the Compensation proposal. Offerors may submit electronic copies on a CD or USB drive that accompanies the hard copy or by emailing the Procurement Officer at bedmunds@oag.state.md.us. Technical and Compensation proposals should be sent in separate emails and the subject line of the email must indicate which component is attached.

2. Section 9.k in the Scope of Services section of the Request states that Offerors may: “Represent the Division on any multidistrict litigation or proceeding in which the Division is interested.” Would the Division please clarify or describe the role envisioned for Special Litigation Counsel in the MDL, so that Offerors may best identify their qualifications and relevant experience?

Answer: Federal courts generally lack subject-matter jurisdiction over state agencies’ administrative investigations and enforcement actions arising under state unfair and deceptive trade practices statutes. Several cases filed by other government entities have been consolidated in a federal multidistrict litigation in the Northern District of Ohio. At the invitation of the court, several states (although not parties to the consolidated cases) are participating in settlement discussions with opioid manufacturers and distributors. As an incidental part of any contract awarded, successful Offerors may be asked to assist in representing the Division in such discussions. Such assistance shall be considered part of any contract awarded under the Request for Proposals. In addition, some states that have filed lawsuits against opioid manufacturers have had claims removed to federal court. In the event that the course of litigation takes any claim filed to federal court, successful Offerors may be expected to represent the Division in federal court, including by seeking remand as determined in the sole discretion of the Division.

3. Section 10.f.v. asks for “a brief summary of any specific issues the Offeror believes should be considered in connection with the matter and how the Offeror would propose how to address them.” Would the Division please clarify the nature of the issues which the Division requests the Offeror to address, e.g., qualifications of counsel, litigation defenses, procedural challenges, etc.?

Answer: Offerors may address any legal, factual, or operational issues they believe should be considered that have not been addressed elsewhere in their proposals.